

**Opinion No. 53-5691**

March 2, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Alva J. Coats Chief Supervisor New Mexico Dry Cleaning Board P. O. Box 401  
Albuquerque, New Mexico

{\*84} On February 24th you addressed an inquiry to this office relative to the power of your Board to require a claim check to be given by each cleaning establishment under your jurisdiction. You inquire whether or not it is within the power granted to the Dry Cleaning Board to require, by regulation, that a claim check be given with each article deposited in a dry cleaning establishment in this state.

Section 51-2104 N.M.S.A., 1941 Compilation states in part as follows:

"51-2104. General powers. -- The board herein created is declared to be the instrumentality of the state for the purpose of attaining the ends recited in the legislative finding, and is hereby granted the following powers, to-wit:

To supervise and regulate the entire cleaning, dyeing and pressing industry of the state of New Mexico as herein defined; to require the prompt handling and adjustment of claims . . ."

The "claim check" system of handling clothes could easily be construed to be within both the provision providing for a supervision and regulation of the Dry Cleaning Industry generally and also within the provision dealing with the power of the Board to require prompt handling and adjustment of claims. The only possible reason for the requirement of a claim check is to facilitate the handling of claims. This would put a burden upon the cleaning establishment when a claim check is produced, to produce the garment or in lieu thereof to pay for its loss. We can see nothing arbitrary in a requirement of this nature, and we feel that it is clearly within the power delegated to you by statute.

Therefore it is the opinion of this office that the statute giving regulatory powers to the Dry Cleaning Board embodies in it the power to require identification slips or checks to be given when any article of clothing is deposited in any cleaning establishment in this state.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General